Attorney Docket No. 10991153-11

Title: FLUID EJECTION DEVICE AND METHOD OF MANUFACTURE

#### **REMARKS**

Claims 1, 5, 9, and 11 are currently amended. Claims 8 and 10 have been canceled. Claims 21-26 have been added. Applicant respectfully submits that the amendments herein are fully supported by the Specification as originally filed and do not include new matter.

## In the Specification

The Specification, as amended, overcomes the objection thereto.

## Claim Rejections Under 35 U.S.C. § 102

Claims 1-11, 13 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Komuro (U.S. Patent No. 6,099,109). Applicant respectfully traverses.

Claims 1 and 11, as currently amended, each include, amongst other things, a carrier having an upper surface that defines a recess including first and second inner surfaces that are substantially parallel to the upper surface and that are located at different distances below the upper surface. Komuro does not have this. Instead, Komuro's recess has a single inner surface that is substantially parallel to the upper surface of Komuro's molded member 103. Therefore, Komuro does not include each and every element of claim 1 or 11, so claims 1 and 11 should be allowed.

Claims 2-7 and 9 depend from claim 1 and are thus allowable for at least the same reason as claim 1. Claims 13-14 depend from claim 11 and are thus allowable for at least the same reason as claim 11. Therefore claims 2-7 and 9 and claims 13-14 should be allowed.

Claims 8 and 10 have been canceled, thereby mooting the rejection thereto.

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## Claim Rejections Under 35 U.S.C. § 103

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Komuro (U.S. Patent No. 6,099,109) in view of Tellier (4,899,178).

Claim 11, as currently amended, is patentably distinct from Komuro. Moreover, Komuro in combination with Tellier fails to overcome the deficiencies of Komuro with respect to claim 11. Therefore, claim 11 is allowable over Komuro in view of Tellier. Claim 12 depends directly from claim 11 and thus includes patentable limitations of claim 11. Therefore, claim 12 is allowable over Komuro in view of Tellier.

#### New Claims 21-26

New independent claim 21 includes, amongst other things, a carrier including a first surface including a recess therein, the recess including first and second inner surfaces that are at different distances from the first surface. Komuro does not have this and claim 21 should be allowed. Claims 22-26 depend from claim 21 and are thus allowable for at least the same reason as claim 21. Applicant requests entry of claims 21-26.

### Allowable Subject Matter

Applicant respectfully acknowledges that claims 15-17 are allowed.

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# RESPONSE TO NON-FINAL OFFICE ACTION

Serial No. 10/657,876

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### **CONCLUSION**

In view of the above remarks, Applicant respectfully submits that the claims are in condition for allowance and requests reconsideration of the application and allowance of the claims.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2208.

Respectfully submitted,

Date: 10 - 12 - 04

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